

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
NOTICE OF MOTION NO.3212 OF 2005
IN
APPEAL (L) NO.1091 OF 2005
IN
SUIT NO.683 OF 1986

Dr.Mrs.Jean Prabha

.. Appellant

v/s.

June Reggi Naronah & others.

.. Respondents

Mr.Shailesh Shah with Mr.Kalpesh Joshi i/by M/s.Malvi Ranchhaddas & Co. for the appellant.

CORAM : R.M.LODHA AND
ANOOP V. MOHTA, JJ.

DATED : 23RD JANUARY, 2006

P.C.

Heard Mr.Shailesh Shah, the learned counsel for the appellant.

2. The cause pleaded by the appellant for condonation of delay is that the appellant had the bonafide belief that suit shall be heard and disposed of by the month of June, 2005 since the hearing had already been fixed initially for 28th April, 2005 and thereafter to 21st June, 2005. But since the suit was not disposed of by the month of June, 2005 and rather the chamber summons was taken out by the defendants seeking amendment in the written statement, the appellant-plaintiff formed the

belief that the suit is not likely to be disposed of at an early date and that necessitated the filing of the present appeal.

3. We are afraid, the cause pleaded by the appellant is not sufficient cause for the delay of more than 211 days. As a matter of fact, the cause shown by the appellant does not inspire confidence.

4. Consequently, we dismiss the notice of motion.

(R.M.LODHA, J.)

(ANOOP V. MOHTA, J.)